

2008 SEP 19 AM 10: 05

MS 16  
Docket No.: 3427-0138PUS1  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Eun Jong CHA et al.

Application No.: 10/530,194

Confirmation No.: 9596

Filed: October 7, 2005

Art Unit: 3735

For: PEAK EXPIRATORY FLOW METER  
CAPABLE OF MEASURING CONTINUOUS  
EXPIRATORY FLOW SIGNAL

Examiner: C. Y. Jang

ATTENTION: Refund Section  
Accounting Division  
OFFICE OF FINANCE

**REQUEST FOR A REFUND**  
**(IMPROPER FEES PAID - SMALL ENTITY PREVIOUSLY ESTABLISHED)**

MS 16  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The following documentation and remarks are respectfully submitted in connection with the above-identified application.

**DOCUMENTATION**

Attached hereto is:

09/23/2008 BPowell 00000002 022448 10530194

Adjustment date: 09/23/2008 BPowell  
09/17/2008 INTERSW 00011308 022448 10530194  
01 FC:2501 720.00 DA a copy of the Issue Fee Transmittal filed on September 16, 2008, that clearly indicates the assertion of small entity.

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☐ a copy of an executed Statement Claiming Small Entity Status (37 C.F.R. § 1.9(f) and 1.27) - Small Business Concern filed on September 18, 2008.

**REMARKS**

Pursuant to 37 C.F.R. § 1.28(a), applicants hereby request a refund of 50% of the Issue fee paid on September 16, 2008. Small entity status was established prior to payment of this fee by the filing of a statement on April 4, 2005, and is indicated on the PTOL-85 form.

Under 37 C.F.R. § 1.26(b), any request for a refund which is not based upon subsequent entitlement to small entity status must be filed with a two-year nonextendable time limit.

The Issue fee in the amount of \$1,440.00 was paid on September 16, 2008. It is respectfully requested that the excess fee of \$720.00 be credited to Deposit Account No. 02-2448.

Favorable action on the present Request is respectfully requested.

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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: September 18, 2008

Respectfully submitted,

By 

James T. Eller, Jr.

Registration No.: 39,538

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